

AGENDA



Thursday, June 8, 2006

 + Back

**Zone Hearings/App Ordinances/Restrictive Covenants
RECOMMENDATION FOR COUNCIL
ACTION**

ITEM 92 PH

Subject: C14-06-0056 - J & J Auto Repair - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12621 Research Boulevard (Walnut Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Applicant and Agent: CS Mystify, LLC (Chris Sapuppo). City Staff: Sherri Sirwaitis, 974-3057.

Additional Backup Material

(click to open)

 **Staff Report**

For More Information: Sherri Sirwaitis, 974-3057

ZONING CHANGE REVIEW SHEET

CASE: C14-06-0056

Z.A.P. DATE: May 2, 2006

ADDRESS: 12621 Research Boulevard (U.S. Highway 183)

OWNER/APPLICANT: CS Mystify, LLC (Chris Sapuppo)

ZONING FROM: SF-2

TO: CS

AREA: 0.450 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant GR-CO, Community Commercial-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

5/02/06: Approved staff's recommendation for GR-CO district zoning by consent (8-0, J. Martinez-absent); J. Gohil-1st, J. Pinnelli-2nd.

DEPARTMENT COMMENTS:

The property in question is developed with an automotive repair business. The applicant is requesting to rezone the property to bring the existing use into conformance with the City of Austin land use regulations stated in the Land Development Code. This property was annexed by the City of Austin in 1997. The staff has not been able to determine when SF-2 zoning was designated for this site. It appears according to aerial photographs that a commercial use was in operation on this property prior to annexation.

The staff recommends GR-CO zoning for this property because the site is located adjacent to existing GR and GR-CO zoning to the east and west. This tract of land is surrounded by commercial uses and industrial uses to the north, south, east, and west. The site under consideration takes access to a major arterial roadway, U. S. Highway 183 North.

The applicant agrees with the staff and Zoning and Platting Commission's recommendation.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	SF-2	Automotive Repair Services (J & J Auto Repair)
<i>North</i>	SF-3	Single-Family Residence, Office
<i>South</i>	SF-2	Automotive Repair Services (Jiffy Lube)
<i>East</i>	CS, GR	Convenience Storage (U-Haul)
<i>West</i>	GR-CO	Automotive Sales (Jaguar of Austin)

AREA STUDY: N/A

TIA: Waived

WATERSHED: Walnut Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

NEIGHBORHOOD ORGANIZATIONS:

- 46 - North Oaks Neighborhood Association
- 55 - Northwood Homeowners Association
- 426 - River Place Residential Community Association, Inc.
- 475 - Bull Creek Foundation

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-05-0083	GR-CO to GR-CO	7/05/05: Approved staff's recommendation for GR-CO district zoning by consent (7-0, M. Whaley-Hawthorne-absent, T. Rabago-arrived late)	8/04/05: Approved GR-CO (6-0, McCracken-out of room); all 3 readings
C14-04-0155	GR-CO to GR-CO	11/2/04: Approved staff's recommendation of GR-CO zoning by consent (9-0); J. Martinez-1 st , J. Gohil-2 nd .	12/02/04: Approved GR-CO (7-0); all 3 readings
C14-03-0080	MF-3-CO to GR	6/10/03: Approved staff's alternate recommendation of GR-CO zoning with the following conditions: Limit the site to 2,000 vehicle trips per day; prohibit the following uses: Automotive related uses [Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type)], Pawn Shop Services, Restaurant (Drive-In, Fast Food), Personal Improvement Services, Commercial Off-Street Parking, Drop-Off Recycling Collection Facility, Adult Oriented Businesses, Urban Farm; and require a 10-foot landscape buffer along the Eastern property line (8-0, J. Martinez-absent)	7/17/03: Approved ZAP rec. of GR-CO (7-0); with the following additional permitted uses: Personal Improvement Services use and permit Drive-In Facilities, only as an accessory use to a Bank (Financial Services use). 8/14/03: Approved (7-0); 2 nd /3 rd readings
C14-03-0074	SF-6-CO to GO	6/3/03: Approved GO-CO zoning, with the following conditions: Limit the development intensity on the site to less than 2,000 vehicle trips per day; allow GO, General Office district, zoning height (60 feet) and impervious cover (80%) standards; limit all other site development regulations to LO, Limited Office district, zoning	7/17/03: Granted GO-CO; prohibiting vehicle access to Lobelia Dr. (7-0); all 3 readings

		standards; permit LO district uses (prohibit the following GO district uses): Business or Trade School, Business Support Services, College and University Facilities, Congregate Living, Hospital Services (General), Hospital Services (Limited), Private Secondary Education Facilities, Off-Site Accessory Parking, Personal Services, Restaurant (Limited); provide a 25-foot setback (buffer zone) from the North property line for the area that is zoned SF-1; provide a 25-foot setback (buffer zone) from the East property line for the area that is zoned SF-1 and the lot zoned SF-2.	
C14-02-0138	I-RR to CS	9/17/02: Approve staff's recommendation of CS-CO zoning with the following conditions: add Equipment Sales and Automotive Rentals as allowed/ permitted uses (7-0)	10/24/02: Granted CS-CO on all 3 readings (6-0, Dunkerley - absent)
C14-02-0132	MF-3 to GR	10/22/02: Approved GR-CO zoning (8-0), with the following conditions: 1) The only permitted GR uses are Auto Sales and Auto Repair; 2) Permit LR Uses, with the exception of the following LR uses: Service Station; Food Sales; Accessory Off-Site Parking; Restaurant (Drive-In Fast Food); Restaurant (Limited) 3) Limit the development intensity to less than 2,000 vehicle trips per day; 4) Require that protected trees shall remain undisturbed; 5) Require that Compatibility Standards be applied along the eastern property line; 6) Require a 25' vegetative buffer along the eastern property line; 7) Limit structures to 40' in height with an increase in height according to Compatibility Standards; 8) Require that all Auto Maintenance and Repair be contained within a structure;	11/21/02: To grant GR-CO zoning, with conditions and a public restrictive covenant (6-0, Goodman-absent); 1 st reading. 12/5/02: To grant GR-CO zoning, with conditions that no structural detention or water quality facility shall be allowed within the proposed 25 foot vegetative buffer, grow green standards shall be utilized, and structural parking shall be prohibited (7-0); 2 nd reading 12/12/02: Approved - Petition withdrawn (7-0); 3 rd reading

		<p>9) Restrict access to San Felipe Boulevard to emergency access only;</p> <p>10) Allow no inoperable vehicle storage on the site;</p> <p>11) Do not allow a parking lot adjacent to the proposed vegetative buffer along the eastern property line.</p>	
C14-02-0017	I-RR to GR	2/26/02: Approved staff's rec. of GR-CO zoning by consent (7-0, K. Jackson-absent, A. Adams-off dias)	4/4/02: Approved GR-CO w/ conditions (6-0, Goodman out of room); all 3 readings
C14-01-0080	CS-CO to MF-2	6/26/01: Approved staff rec. of MF-2 by consent (8-0)	12/06/01: Approved MF-2 (7-0); all 3 readings
C14-00-2113	I-RR to GR	7/25/00: Approved staff rec. of GR-CO by consent (7-1, RC-Nay)	8/24/00: Approved GR-CO w/ conditions on all 3 readings (7-0)
C14-99-0099	SF-3 to LI	6/29/99: Approved staff rec. of LI-CO by consent (8-0)	7/29/99: Approved PC rec. of LI-CO by consent (6-0); all 3 readings
C14-99-0005	I-RR to MF-3	2/23/99: Approved staff alternate rec. of MF-3-CO by consent (6-0)	5/20/99: Approved PC rec. of MF-#-CO w/ conditions (7-0); all 3 readings
C14-98-0164	I-SF-2 to CS-CO	11/17/98: Approved staff's alternate rec. of CS-CO by consent (9-0)	1/7/99: Approved PC rec. of CS-CO w/ conditions (7-0); all 3 readings
C14-98-0158	I-RR to LI	1/12/99: Approved SF-2 (TR1), SF-4A (TR2), LR-CO (TR3); (5-0)	<p>4/8/99: Approved SF-6 as amended w/ conditions (7-0); 1st reading</p> <p>12/2/99: Approved w/ modifications:</p> <ol style="list-style-type: none"> 1) Allow construction of water quality, drainage facilities, and perimeter jogging trail within 25' setback; 2) Prohibit access to Lobelia Drive (not Lane); 3) Prohibit duplexes and removed prohibition of SF structures (6-0, WL-absent); 2nd reading <p>1/13/00: Approved 3rd reading (7-0)</p>
C14-98-0157	SF-3 to CS-CO	11/17/98: Approved staff alternate rec. of CS-CO (9-0)	<p>1/7/99: Approved PC rec. of CS-CO w/ conditions (7-0); 1st reading</p> <p>5/6/99: Approved CS-CO w/ conditions (7-0); 2nd/3rd readings</p>

C14-98-0133	SF-3 to CS	9/29/98: Approved staff rec. of CS-CO by consent (9-0); the CO limited the site to 2,000 vehicle trips per day	11/05/98: Approved PC rec. of CS-CO (6-0); 1 st reading 3/25/99: Approved CS-CO (6-0); 2 nd /3 rd readings
C14-98-0127	I-RR to GR	10/13/98: Approved GR-CO (9-0)	11/19/98: Approved PC rec. of GR-CO; all 3 readings
C14-98-0094	I-RR to LI	8/18/98: Approved LI-CO by consent (7-0)	10/8/98: Approved PC rec. of LI-CO w/ conditions (6-0); all 3 readings
C14-98-0093	I-RR to LI	Approved LI-CO by consent (7-0)	Approved PC rec. of LI-CO w/ conditions (6-0); all 3 readings
C14-98-0014	SF-2 to LO	9/23/99: Expired (Administratively -PP at 3/23/99 PC was only good for 6 months)	N/A
C14-98-0003	I-RR to LI	2/17/98: Approved W/LO w/ conditions (7-0)	3/26/98: Approved W/LO w/ conditions (6-0); 1 st reading 4/30/98: Approved CS-CO w/ conditions (7-0); 2 nd reading 6/11/98: Approved CS-CO w/ conditions (7-0); 3 rd reading
C14-97-0121	SF-3 to CS	10/28/97: Approved staff alternate rec. of CS-CO (6-3, WB/DS/MA-Nay)	11/20/97: Approved PC rec. of CS-CO w/ conditions (7-0); 1 st reading 1/8/98: Approved CS-CO w/ conditions (7-0); 2 nd /3 rd readings
C14-96-0144	I-SF-2 to CS	1/28/97: Approved staff rec. of GR-CO (7-0)	2/27/97: Approved PC rec. of GR-CO (7-0); 1 st reading 4/10/97: Approved GR-CO (7-0); 2 nd /3 rd readings

RELATED CASES: There are no pending related cases.

ABUTTING STREETS:

NAME	ROW	PAVMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
US Highway 183	Varies	Varies	Arterial	Yes	No	No

CITY COUNCIL DATE: June 8, 2006

ACTION:

ORDINANCE READINGS: 1st

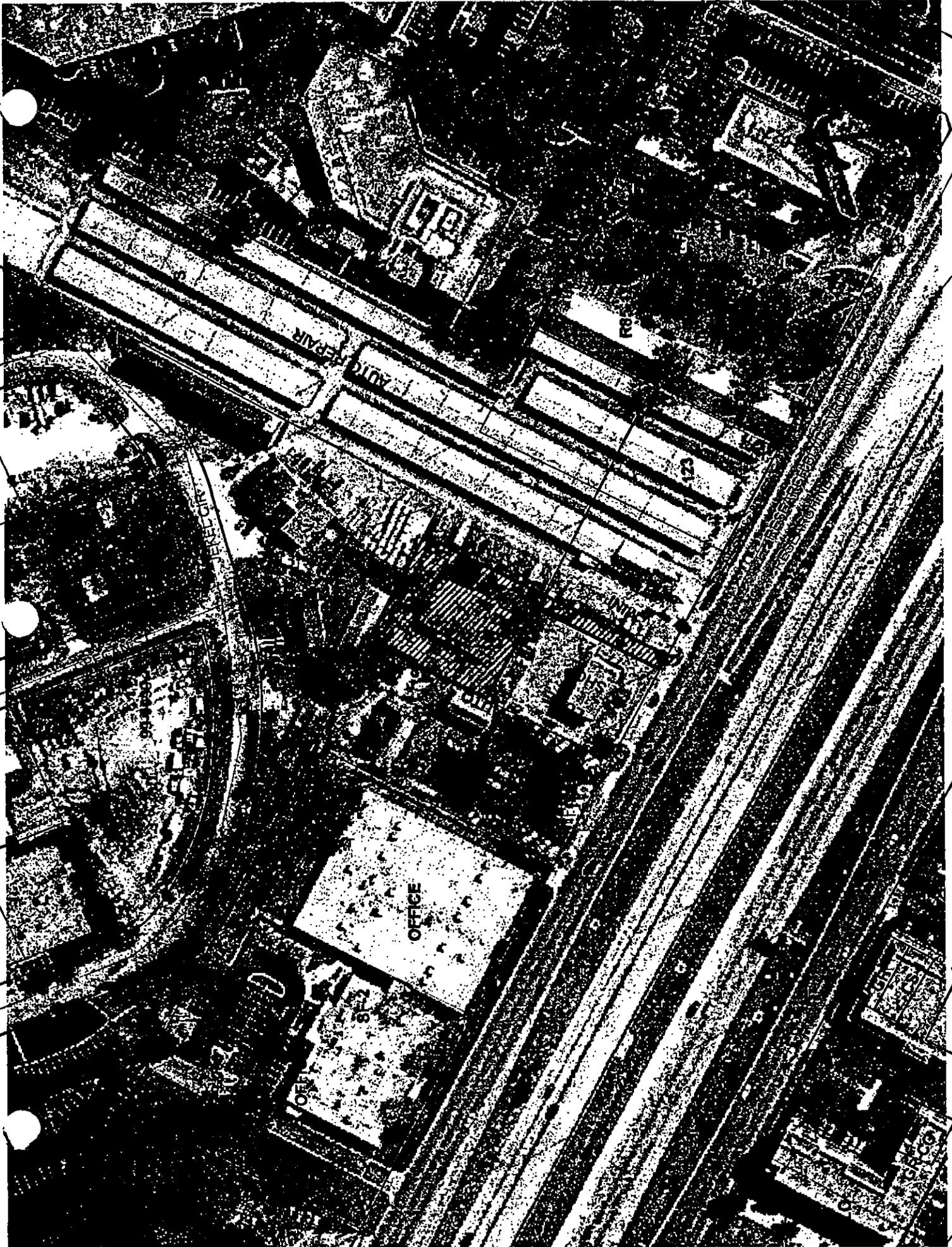
2nd

3rd

ORDINANCE NUMBER:

CASE MANAGER: Sherri Sirwaitis

PHONE: 974-3057,
sherri.sirwaitis@ci.austin.tx.us



STAFF RECOMMENDATION

The staff's recommendation is to grant GR-CO, Community Commercial-Conditional Overlay District, zoning. The conditional overlay would limit the development intensity on the site to less than 2,000 vehicle trips per day.

BASIS FOR RECOMMENDATION

- 1. The proposed zoning should be consistent with the purpose statement of the district sought.*

The Community Commercial (GR) district is the designation for an office or other commercial use that serves neighborhood and community needs and that generally is accessible from major traffic ways.

The property in question takes access to an arterial roadway, Research Boulevard (recently improved U.S. Highway 183 North).

- 2. The proposed zoning should promote consistency, and orderly planning.*

The GR-CO zoning district would be compatible and consistent with the surrounding uses because there are existing industrial and commercial uses to the north, south, east, and west of the site under consideration. There are currently GR and GR-CO zoned properties to the east and west of this site.

- 3. The proposed zoning should allow for a reasonable use of the property.*

The GR-CO zoning district would allow for a fair and reasonable use of the site. The rezoning of the of this tract of land will allow the applicant to bring the existing legal nonconforming use on the site into compliance with the land use regulations from the City of Austin Land Development Code.

GR-CO zoning is appropriate for this location because of the commercial character of the area fronting U.S. Highway 183 North.

EXISTING CONDITIONS

Site Characteristics

The site is currently developed with an automotive repair business (J & J Automotive Repair). There are other existing automotive uses adjacent to the site to the south (Jiffy Lube) and west (Jaguar of Austin). To the east there is a convenience storage use (U-Haul Storage). The property to the north of the site under consideration is developed with an office use surrounded by industrial warehouse uses.

Impervious Cover

The maximum impervious cover allowed by the CS zoning district would be 95%. However, because the Watershed impervious cover is more restrictive than the CS zoning district's allowable impervious cover, the impervious cover on this site would be limited by the watershed ordinance.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

Development Classification	% of Net Site Area	% with Transfers
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Note: The most restrictive impervious cover limit applies.

Environmental

The site is located over the northern Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

The site is currently developed and there are no significant environmental features.

Under current watershed regulations, any redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

Transportation

No additional right-of-way is needed at this time.

The trip generation under the requested zoning is estimated to be 3,695 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

A traffic impact analysis was waived for this case because the applicant agreed to limit the intensity and uses for this development. If the zoning is granted, development should be limited through a conditional overlay to less than 2,000 vehicle trips per day. [LDC, 25-6-117]

Existing Street Characteristics:

NAME	ROW	PAVMENT	CLASSIFICATION	CAPITAL METRO	BICYCLE PLAN	SIDEWALKS
US Highway 183	Varies	Varies	Arterial	Yes	No	No

Water and Wastewater

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at their own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and relocation. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City design criteria. The water and wastewater utility construction must be inspected by the City. The landowner must pay the applicable and associated City fees.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in storm water runoff will be mitigated through on-site storm water detention ponds, or participation in the City of Austin Regional Stormwater Management Program, if available.

Compatibility Standards

Any new construction or redevelopment of this site will be subject to compatibility height and setback limitations due to adjacent SF-3 zoning to the north.

ORDINANCE NO. _____

1 AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE
2 PROPERTY LOCATED AT 12621 RESEARCH BOULEVARD FROM SINGLE
3 FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO COMMUNITY
4 COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT.

5
6 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
7

8 PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to
9 change the base district from single family residence standard lot (SF-2) district to
10 community commercial-conditional overlay (GR-CO) combining district on the property
11 described in Zoning Case No. C14-06-0056, on file at the Neighborhood Planning and
12 Zoning Department, as follows:
13

14 Lot 4B, Resubdivision of part of Lot 4, MRI Systems Corporation Subdivision, a
15 subdivision in the City of Austin, Travis County, Texas, according to the map or
16 plat of record in Plat Book 95, Page 1, of the Plat Records of Travis County, Texas
(the "Property"),
17

18 locally known as 12621 Research Boulevard, in the City of Austin, Travis County, Texas,
19 and generally identified in the map attached as Exhibit "A".
20

21
22 PART 2. The Property within the boundaries of the conditional overlay combining district
23 established by this ordinance is subject to the following conditions:
24

25 A site plan or building permit for the Property may not be approved, released, or
26 issued, if the completed development or uses of the Property, considered cumulatively with
27 all existing or previously authorized development and uses, generate traffic that exceeds
28 2,000 trips per day.
29

30 Except as specifically restricted under this ordinance, the Property may be developed and
31 used in accordance with the regulations established for the community commercial (GR)
32 base district and other applicable requirements of the City Code.
33
34
35
36
37

PART 3. This ordinance takes effect on _____, 2006.

PASSED AND APPROVED

_____, 2006

§
§
§

Will Wynn
Mayor

APPROVED:

David Allan Smith
City Attorney

ATTEST:

Shirley A. Gentry
City Clerk

